

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 1:07CR109 RWS
)
)
TIMOTHY DUANE RANKINS,)
)
Defendant.)

ORDER

This matter is before me on defendant Timothy Duane Rankins objections to the Magistrate Judge's Memorandum, Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge David D. Noce. Judge Noce held a hearing on defendant's motion to suppress on January 10, 2008.

Defendant's pro se motion for permission to buy and cook his own food was denied as moot. Defendant has not objected to this ruling.

Defendant also sought to suppress statements and evidence.

I have conducted a *de novo* review of the evidentiary hearing, the parties' written materials as well as the relevant case law and I concur with the Report and Recommendation.

Specifically at the time of the traffic stop, law enforcement officers had a reasonable suspicion that criminal activity was afoot. United States v. Walker, 494 F.3d 668, 691 (8th

Cir. 2007)(citing Terry v. Ohio, 392 U.S. 1, 30 (1968)). As a result the investigative stop did not violate defendant's Fourth Amendment rights.

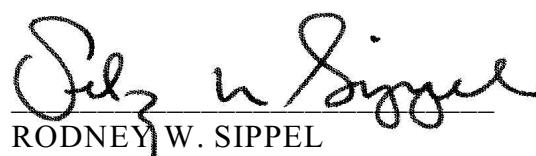
Because the officers were investigating a suspected car-jacking, Deputy Cagle's limited questions when the car was first stopped did not violate defendant's Fourth Amendment Rights. Defendant told the officers that there was a gun in the trunk of the car. The seizure of the gun identified by defendant did not violate his Fourth Amendment Rights.

After finding the loaded gun, Deputy Cagle read defendant his Miranda rights. Defendant made a knowing and voluntary waiver of his Miranda rights. Statements made by the defendant after he was read his Miranda rights may be used against him without violating his Fifth Amendment Rights.

As a result,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#27] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant Timothy Duane Rankin's motion to suppress evidence and statements [#21] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 7th day of May, 2008.